

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE AND HAZARDOUS MATERIALS DIVISION

NRC Agreement State Stakeholders Workgroup
Meeting Summary – January 26, 2005

Attendance

An attendance list is attached.

Discussion Summary

Following introductions and presentations by Department of Environmental Quality (DEQ) staff, workgroup members discussed issues pertinent to Michigan investigating an Agreement with the U.S. Nuclear Regulatory Commission (NRC).

The following is a summary of discussion points/concerns that workgroup members raised during the meeting:

1. Most members expressing a viewpoint recommended that the x-ray and radioactive material regulatory programs be reunited. The electronic product sources (x-ray) and radioactive material regulations should continue to be one set of requirements.
2. The workgroup strongly recommended that the DEQ revise the regulations to conform to current national and international standards. The current regulations were promulgated in 1975 and are seriously deficient in several areas of major concern to workgroup members. The regulations should match the NRC's regulations.
3. Workgroup members suggested that Michigan include in their enabling statute a provision that Michigan's regulations could not be more restrictive than the NRC. Members had heard that the regulations of some states are stricter than the NRC regulations, causing problems for the licensees.
4. The workgroup would like to see an increase in the number of trained staff in the radioactive material program before pursuing an Agreement, although a decision to pursue an Agreement may be needed to obtain adequate staffing.
5. The DEQ should await the outcome of the proposed federal legislation to add accelerator produced radioactive material and certain naturally occurring radiation sources to the Atomic Energy Act of 1954, as amended, before seriously considering an Agreement.
6. Workgroup members advised that the startup costs of pursuing an Agreement be minimized by having as much work done as possible before formally initiating action with the NRC and before hiring additional staff. In some recent Agreement States, licensees felt they were assessed excessive fees to cover the startup costs. According to one workgroup member, Wisconsin assessed their NRC licensees an annual surcharge for several years to cover startup costs. Broad scope medical licensees ended up paying \$11,000 per year for five years on top of the NRC fees.

7. In some Agreement States, licensees have not received the expected fee reduction from what the NRC assesses its licensees.
8. Workgroup members are concerned about the poor quality of inspections performed by newly-trained state staff. Some licensees in Agreement States have mentioned this as a problem. Due to recent philosophical changes, the NRC has switched from conducting very prescriptive inspections (checklists) to doing performance-based inspections. Workgroup members like the new NRC inspections and the quality of the inspectors.
9. Several members suggested licensing nuclear medicine technologists.

Next Steps

The workgroup members were interested in holding another meeting. The workgroup decided to survey regulators and licensees in states that have recently assumed NRC responsibility and in states with well-run established programs. The stakeholders will draft questions to ask licensees in a few Agreement States (Arizona, Illinois, Massachusetts, Minnesota, Ohio, Texas, and Wisconsin were mentioned) to get a feeling for successes and failures of transitions to state programs. One workgroup member has drafted a set of questions for the regulated community. DEQ staff will draft a set of questions for regulators in Agreement States. The draft questions will be distributed to the workgroup for comments. DEQ staff will incorporate the workgroup's recommendations into final versions. At that point, the workgroup and the DEQ will poll the licensees and regulators of these states for their respective views.

The purpose of the next meeting will be to discuss the survey results and other information gathered in the interim. The DEQ will schedule representatives from some Agreement States for a conference call during the next meeting. It is anticipated that the next meeting would be scheduled as soon as practical. Workgroup members requested that we ask for an NRC representative to speak on Agreement State issues at a later meeting.